

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 11, “Complaints, Investigations, Contested Case Hearings,” and Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

The first proposed amendment would allow the Executive Director of the Board of Educational Examiners to file an ethics complaint when a licensee fails to comply with a Board order. The second proposed amendment would add “creed” to the list of bases on which a licensee may not discriminate. The purpose of this addition is to mirror the list of protected classes found in Iowa Code section 216.9, the section of the Iowa Civil Rights Act concerning education. The second proposed amendment would also add failure to comply with a Board order as a basis for licensee discipline. This change would address situations in which a licensee receives a deferred suspension but fails to satisfy the required conditions. The amendment would create an independent basis for discipline, so failure to comply with a Board order could lead to an ethics complaint and a contested case proceeding.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, April 24, 2013, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, April 26, 2013. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

The following amendments are proposed.

ITEM 1. Amend subrule 11.4(1) as follows:

11.4(1) Who may initiate. The following entities may initiate a complaint:

a. to c. No change.

d. The executive director of the board of educational examiners if the following circumstances have been met:

(1) The executive director receives information that a practitioner:

1. to 6. No change.

7. Has assigned another practitioner to perform services for which the practitioner is not properly licensed; ~~and~~ or

8. Has failed to comply with a board order as prohibited by 282—paragraph 25.3(7) “d”; and

(2) The executive director verifies the information or the alleged misconduct through review of official records maintained by the board, a court, the department of human services registry of founded child abuse reports, the practitioner licensing authority of another state, the department of education, the local school district, area education agency, or authorities in charge of the nonpublic school, or the executive director is presented with the falsified license; and

(3) No other complaint has been filed.

e. and *f.* No change.

ITEM 2. Amend subrules 25.3(6) and 25.3(7) as follows:

25.3(6) *Standard VI—unethical practice toward other members of the profession, parents, students, and the community.* Violation of this standard includes:

a. to *d.* No change.

e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.

f. to *r.* No change.

25.3(7) *Standard VII—compliance with state law governing obligations to state or local governments, student loan obligations, ~~and~~ child support obligations, and board orders.* Violation of this standard includes:

a. to *c.* No change.

d. Failing to comply with a board order.